

REMARKS

Claims 8-20 were pending in the present application, of which claims 10 and 17-20 have been canceled without prejudice or disclaimer of the subject matter therein and to which new claims 21-46 have been added. It is respectfully submitted that the pending claims to final allow subject matter.

Regarding the objections to the drawings, formal replacement drawings are submitted herewith and are believed to more legibly illustrate the objectionable features. No new subject matter has been added.

Claim 10 has been canceled without prejudice or disclaimer to the subject matter therein, thereby obviating the rejection under § 35 U.S.C. section 112.

Claims 8-13 and 16-19 have been rejected under § 35 U.S.C. section 102(b) as being anticipated by Stilley (USP 5,353,900). Claims 14 and 15 have been rejected under § 35 U.S.C. section 103(a) as being unpatentable over Stilley in view of either Sadow (USP 5,890,570) or Liang (USP 5,464,080). Claims 17-19 have been rejected under § 35 U.S.C. section 102(a) as being anticipated by Lu (USP 6,530,459) or Lu (USP 6,508,344). Claims 17-18 have been rejected under § 35 U.S.C. section 102(a) as being anticipated by Miller et al (USSN2003/0000785). Claim 20 has been rejected under § 35 U.S.C. section 103(a) as being unpatentable over either Stilley or Lu '459 in view of Williams (USP 4,530,709). Applicants respectfully traverse these rejections for reasons set forth hereafter.

Claim 8 defines a piece of baggage comprising, among other things, a baggage portion, a towing handle, a single pole arm, a pivot mechanism and a locking mechanism. The single pole arm has a distal end and a proximal end with a length there between. The arm is operatively connected to the piece of baggage at the proximal end. The arm is moveable between extended and retracted positions. The pivot mechanism pivotally connects the towing handle to the distal end of the arm such that the towing handle pivots generally about and relative to the distal end of the arm. The locking mechanism is connected to the pivot mechanism and the arm. The locking

mechanism is selectively moveable between a locked position and an unlocked position. The locking mechanism prevents pivoting of the towing handle relative to the distal end of the arm when in the locked position and permits pivoting of the towing handle relative to the distal end of the arm when in the unlocked position.

The prior art fails to teach or suggest the claimed configuration of a towing handle, arm, pivot mechanism and locking mechanism.

Stilley describes a wheeled garment bag having a handle 22 mounted to an inner telescoping tube 23. The inner telescoping tube 23 slides inside an outer telescoping tube 52. The telescoping tube 23 rotates within the telescoping tube 52 until locking in one of two places 180 degrees apart with respect to the outer tube 52 by way of a catch button 63 (col. 5, line 64 to col. 6, line 63). Stilley expressly teaches that the handle 22 should be securely attached in a non-rotating manner to the inner telescoping tube 23, stating the following regarding Figure 9a:

The plastic handle 22 is attached to one end of inner telescoping tube 23 by denting in the top and bottom of the inner telescoping tube 23 so that it deforms the plastic handle 22 and thus locks both parts together. (col. 6, lines 5-9).

Hence, Stilley does not teach or suggest the claimed configuration of a towing handle, arm, pivot mechanism and locking mechanism.

Claim 9 further recites a release button configured and adapted to move the locking mechanism from the locked position to the unlocked position when the release button is pressed. In the outstanding Office Action, Figure 10a of Stilley is referenced with respect to claim 9. The undersigned respectfully disagrees that the illustration of Figure 10a of Stilley teaches or suggests the claimed release button. The claims clearly recite a pivot mechanism that pivotally connects the towing handle to the distal end of the arm such that the towing handle pivots generally about and relative to the distal end of the arm. The locking mechanism connects the pivot mechanism and the arm and is selectively moveable between locked and unlocked positions by the release button. In Stilley, Figure 10a illustrates a handle 88 that is locked to the inner telescoping tube 23 through detents (in the same manner as described above in connection with Figure 9a). Thus, Stilley does not teach the claimed release button.

The remaining applied references fail to make up for the deficiencies of Stilley. The Lu '344 and Lu '459 patents both describe dual pole systems that greatly differ from the single pole arm, towing handle, pivot and locking mechanism configuration of claim 8. Miller also describes a dual pole configuration. In Liang, the handle 42 does not rotate relative to the rod 56, but instead the rod 56 rotates relative to rod 54. No locking mechanism is taught or suggested by Liang. Sadow also lacks any form of locking mechanism and does not teach or suggest a pivot mechanism connecting the handle to the arm. In view of the foregoing comments it is respectfully submitted that the pending claims are allowable.

In addition, it is submitted that new claims 21-46 are also patentably distinct. Independent claim 33 defines a piece of baggage comprising, among other things, a baggage portion, a single pole telescoping arm, a towing handle and a locking mechanism. The arm is joined to the baggage portion and has a distal end and a proximal end. The arm is moveable between extended and retracted positions relative to the bag portion. A towing handle is pivotally connected to the distal end of the arm. The towing handle pivots about and relative to the distal end of the arm. The locking mechanism is connected to the arm and the towing handle. The locking mechanism is selectively moveable between locked and unlocked positions to prevent and permit, respectively, pivotal motion between the arm and the towing handle.

As explained above, the prior art fails to teach or suggest any such combination of structures. The prior art does not anticipate nor render obvious a towing handle pivotally connected to a distal end of an arm where the towing handle pivots about, and pivots relative to, the distal end of the arm. Nor does the prior art teach or suggest a locking mechanism connected to the arm and the towing handle where the locking mechanism is selectively moveable between locked and unlocked positions to prevent and permit pivotal motion between the arm and the towing handle.

Turning to the dependent claims, claims 22 and 34 further define the baggage portion as comprising a receptacle with the towing handle being retracted into the receptacle when the arm is in the retracted position. None of Liang, Sadow, Stilley, Lu '344 and Lu '459, teach or suggest

any form of receptacle configured to receive the handle when in a retracted position. Miller also lacks numerous deficiencies as discussed above.

Claims 23 and 35 further define the piece of baggage to include a receptacle with the towing handle having an outer surface that lies flush with an exterior surface of the piece of baggage when the towing handle is retracted. The prior art teaches no such structure.

Claims 24 and 36 further define a release mechanism connected to the locking mechanism that is manually operated by a user to unlock the locking mechanism. As the prior art lacks the claimed locking mechanism, it necessarily follows that the prior art lacks the claimed release mechanism.

Claims 25 and 37 further define the towing handle to pivot relative to the distal end of the arm about at least one axis. As explained above, the prior art lacks any such relative motion between the towing handle and the distal end of an arm.

Claims 26 and 38 further define the arm to extend along an axis about which the towing handle pivots. Miller, Lu '344 and Miller '459 utilize dual pole configurations, while Liang, Sadow, and Stilley do not support relative motion between the towing handle and the arm.

Claims 27 and 39 further define the towing handle to be repositionable relative to the arm when the arm is in the retracted position. Claims 28 and 40 further define the arm to be curved along at least a portion of its length. Claims 29 and 41 define the arm to have one of an elliptical and oval cross-section. Claims 30 and 42 further defines the towing handle to be T-shaped and having a stem portion extending from a crossbar. The locking mechanism is partially housed with the stem portion. Claims 31 and 43 further define the towing handle to include a T-shape with a stem portion extending from a crossbar, with the crossbar including a release button aligned with the stem portion. The prior art fails to teach or suggest any such arm and towing handle configurations.

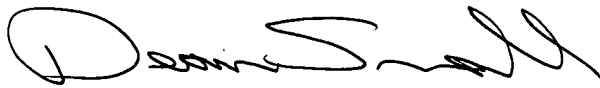
Claims 32 and 44 further define details of the locking mechanism that are entirely lacking in the prior art. Claims 33 and 45 further define the bag to include a receptacle that receives the towing handle when in a retracted position, and with the towing handle including a release button that is accessible within the receptacle when the towing handle is retracted into the receptacle.

Not only does the prior art lack a receptacle configured to receive the claimed towing handle, but the prior art also lacks a release button that is accessible when the towing handle is within the receptacle.

Claim 46 recites a piece of baggage having a baggage portion, at least one arm joined to the baggage portion, a towing handle and a locking mechanism. The claimed combination of claim 46 is neither anticipated nor rendered obvious by the prior art.

In view of the foregoing comments it is respectfully submitted that the pending claims define allowable subject matter. Should anything remain in order to place the present application in condition for allowance, the Examiner's can invite to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



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